

**Ravalli County Planning Board
Meeting Minutes for February 21, 2007
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Hearing

Fin and Feather, Lot 5, AP (Crane) Subsequent Minor Subdivision and One Variance Request

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting
may be purchased from the Planning Department for \$5.00.*

1. Call to order

Chip called the meeting to order at 3:02 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
Phil Connelly (present)
Ben Hillicoss (present)
Dan Huls (present)
Lee Kierig (present)
Maura Murray (absent-excused)
Chip Pigman (present)
Tom Ruffatto (absent-excused)
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Jennifer Degroot
Laura Hendrix
Karen Hughes
John Lavey
Shaun Morrell
Vanessa Perry
Renee Van Hoven

3. Approval of Minutes

Chip asked if there were any corrections or additions to the minutes from January 3, 2007. There were none. The minutes were approved. He asked if there were any corrections to the minutes from the January 17, 2007 meeting. **Dan** noted that it was Chip who asked for corrections to the minutes during that meeting. The minutes were approved as corrected.

4. **Amendments to the Agenda**

John asked on behalf of Staff to switch items A and B under Communications from Staff so that the Discussion on the Streamside Setback Committee would occur first.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Hearing**

(A) **Fin and Feather Lot 5, AP (Crane) Subsequent Minor Subdivision and One Variance Request**

- (i) Staff Report on the Subdivision Proposal: **John Lavey** gave an overview of the subdivision proposal and variance request and stated Staff recommended conditional approval of the variance request and the subdivision subject to 12 conditions in the Staff Report. He entered the Staff Report into the record. (See Attachment B, Fin and Feather Lot 5, AP (Crane) Staff Report and Attachment C, Fin and Feather Lot 5, AP (Crane) Staff Report Update)

- (ii) Three Minute Rule Waiver Requests

There were none.

- (iii) Public Comment on the Subdivision Proposal and Variance Request

- (a) Persons in Favor

George Marshall, a surveyor representing the applicant, stated he had concerns with the condition requiring a 150-foot setback from Sheafman Creek. He noted that he had requested a floodplain analysis waiver and the Floodplain Administrator visited the project site with Staff. He received approval of the waiver request and a suggestion for a 150-foot setback without reason or logic. He stated that now that suggestion has turned into a recommendation. He requested rationale from the Planning Department considering the response from Montana Fish, Wildlife, and Parks (MFWP). He said that typically, MFWP recommends a 100-foot setback from streams and do not typically visit sites without a request. He said that Chris Clancy visited the site and based on visual analysis, ameliorated the setback to 30 feet for Lot 5A and none for Lot 5B as long as there is no disturbance to the creek. He stated that MFWP is the highest authority of agencies for natural environment protection and the Planning Department's basis for recommendation was more of a floodplain issue. He said that based on the drainage report by Ron Uemura and topographical information, he disagreed with the setback, noting it is inconsistent with neighboring subdivisions in areas where riparian issues are worse than Sheafman Creek. In this spot, he reasoned, there is an elevation difference and the creek is channelized. He noted that Mac's Acres to the east is near Mill

Creek, which is susceptible to flooding, but that subdivision was only required to have a 100-foot setback. He noted that flooding is a public health and safety issue, not a natural environment issue.

Ron Uemura from RAM Engineering passed out a topographic survey map of Sheafman creek and the project site. (See Attachment D, Topographic Survey Map) He also passed out the proposed subdivision plat map with a 150-foot setback from the property boundary. (See Attachment E, Fin and Feather, Lot 5 Site and Drainage Plan) He noted the direction of the Sheafman Creek. He noted that the land to the south of the subdivision is lower than the project site and there is no way stormwater runoff would affect this site. He stated he did not know why the 150-foot setback was recommended.

Lee noted that since Lot 5B will not have any additional homes, that house would not be affected by the setback, other than becoming a nonconforming use. He stated that the building site for Lot 5A would not be affected.

George Marshall asked the Board to stay away from unnecessary restrictions. He stated that the applicant would like to give \$500 to the fire district and \$250 to the school district for only the new lot, noting the existing residence on the property. He asked the Board to adhere to the MFWP recommended setbacks.

(b) Persons Opposed

There were none.

(c) Rebuttal

There was none.

(d) Close: Public Comment

(iv) Board Deliberation on the Variance Request (from paving Aaron's Way)

(a) Board discussion and questions

Les asked George to show the Board where the proposed road treatment would be placed.

George pointed to the area and noted that the county road is not in the easement for Sheafman Creek and the applicant will be dedicating 30 feet of right-of-way to the County.

Les motioned to conditionally approve the variance subject to the conditions in the Staff Report.

Mary Lee seconded the motion.

(b) Board Action

The vote was called; the members voted (8-0) to conditionally approve the variance. (See Attachment F, Fin and Feather Lot 5, AP (Crane) Variance Vote Sheet)

(vi) Board Deliberation on the Subdivision Proposal

(a) Board Discussion and Questions

Chip noted he saw a difference in elevation and had the same concerns as the applicant's agent.

Les asked Staff to clarify why they proposed a 150-foot setback and if it was considered a Tier 2 stream under the proposed state setback regulations.

Laura Hendrix noted that her recommendation had nothing to do with the Tier classifications of streams since her letter was sent to the applicant on July, 11, 2006. She noted that three Staff members went out to the property to measure distances from the stream. They saw a significant topographical difference on the proposed lot to the east. She noted that there is a broad floodplain in the area that is not clearly defined and a 150-foot setback would cover that floodplain.

Lee did not understand why the area is in question because it does not encumber proposed or existing buildings.

Chip noted that although the proposed house site would not be affected, the setback could affect future uses on the property.

Lee said he visited the site that morning and agrees with the elevations. In regard to protection of riparian zones, it is not an issue of whether water will get there, but protection of wildlife.

Chip stated that this is a public health and safety issue and MFWP decided the property needed a smaller setback.

George explained that the 100-foot setback is very conservative and if there are concerns that the setback is too large, MFWP will send out biologists. The biologist's opinion was that an appropriate setback from Sheafman Creek should be less.

Chip said he was not in favor of picking a blanket number. He stated that the Board had a specialist make a field determination for corridor and habitat issues. He requested additional information from the Floodplain Administrator regarding flooding issues. He expressed surprise that MFWP commented that water rights are only for special beneficial use, not for lawn or garden purposes. He asked if that was typical.

Dan said his opinion is that if someone has a water right, the right is to use water as he or she sees fit. He noted that "beneficial use" is a pretty broad term. He explained that the situation between the Floodplain Administrator, with a

recommended 150-foot setback and Chris Clancy (MFWP), with a recommended 30-foot setback, is two experts with disagreeing opinions.

Chip recommended doubling Chris Clancy's recommendation to find a happy medium.

Lee said that in King County, they would require a 100-foot setback on an annual stream. He noted that this subdivision is bringing up the fact that Ravalli County has no codified ordinance to help the Board make a decision. He noted that he did not know how valid a 100-foot setback is for Montana, but a 150-foot setback would encumber the land.

Phil did not think there was a conflict between two experts. He noted that one recommendation is for a riparian setback and one is for a floodplain setback. He said that all involved agree the riparian setback should be 30 feet.

Chip noted that the Staff Report references a 150-foot setback as a natural environment issue.

George stated that he did not know how the purpose of floodplain protection is different from protection of a riparian area. He asserted that Staff's conclusion is unsupportable and unfounded.

Ben asked Laura to defend her position.

Laura stated the setback is a public health and safety issue. Ravalli County is in the National Floodplain Insurance Program and one goal is to keep landowners reasonably safe from flooding. She measured back 150 feet and examined soils data for the area. She noted that the 150-foot setback coincides with severe soils, which are often created by high water or high groundwater.

Chip asked if there was any flood data for that area.

Laura said there was not, but she did go on site and measure distances. She stated that 50 feet from the creek was not enough difference, and 100 feet was not enough because on the western parcel, the floodplain is broad and flat. After measuring back 150 feet, she then saw a difference in elevation.

Chip said that the parcel to the south of the project has lower elevations and reasoned that any floodwater would travel downhill, not uphill.

Laura said she did not look at elevations to the south, since it was the neighbor's property.

Ron said that as a civil engineer, he could not see how floodwater could impact the Crane's property when the water will go to the south.

Bob asked how elevation differed from the measurements she took to the 150-foot mark.

Laura said that there was not a significant elevational difference on the parcel to the west, but there was about a 10 to 15-foot difference on the eastern parcel.

She noted that she could not determine the amount of property in the floodplain unless she did a hydraulic model.

Dan asked if Laura looked to the site to the south when she was on the property.

Laura said that area was still part of a broad floodplain.

Dale said that the test hole for the septic was within the 150-foot radius and if it passed, it seems to indicate a higher elevation. He said that the septic for Lot 5B has been there since 1979. He said he did not think that people would place a house so close to the creek if it would flood.

George said he took some cross-sections and thinks that Ron based his drainage plan on them.

Les asked if there was a compromise possible with a 125-foot setback.

Laura said she did not stop measurements at 125 feet. She noted that there were pictures of the site visit and assured the Board that there may be room to compromise.

Ben said he did not look at the property, but one alternative is to postpone a decision and give people time to look at the property.

George asked a definition of what would be limited in the setback.

Chip noted that the current recommendation is a no-build/no-alteration zone.

John added that only fences could be built in that area.

George stated there must be some way to compromise and perhaps allow outbuildings. He noted that residences could be the only item really needing protection.

Lee noted that a compromise is appropriate, but the Board has a possibility of setting a dangerous precedent by ignoring a setback altogether. He did not think that a barn or horse building would pose a serious public health or safety issue. He noted that the setback issue is large and he is sensitive to the fact that it encumbers the potential use of this parcel for a person in the future. He recommended a 100-foot setback based on the original letter from MFWP.

Chip recommended a setback of 100 feet for residential structures and a 50-foot no-build/alteration zone from the high-water mark of the creek. He said that this would double Chris Clancy's recommendation.

Ben proposed delaying a decision until the Floodplain Administrator, a MFWP employee, and an engineer could go onsite and reach a compromise.

John noted the Board could revoke the floodplain analysis waiver and require the applicant to do a full floodplain analysis.

Ben, Les, and Dan agreed with the idea that Ben proposed.

Lee said that considering the upcoming discussion on streamside setbacks, it would be appropriate to get more information.

Chip said he hates to buy into a one-size-fits-all number and asked the Board if they wanted to require a floodplain analysis or continue the discussion.

George said that a floodplain analysis study has significant costs. He requested some type of compromise.

Dan asked if George shot elevations of the property to the south.

George replied that he had shot about 25 to 30 feet to look at the cross-section of the creek. He noted that information is not required in the subdivision submittal, but he can provide it to the Board. He noted that this was originally a suggestion that blossomed into a Staff recommendation.

Lee said that based on Ron's comments, it is obvious that flooding would go to the south of the proposal. He said that a 100-foot setback on the eastern lot would not encumber the lot and would allow use without creating dangerous conditions. On the other hand, it sounds arbitrary that the Board is debating the issue without scientific data.

Ben motioned to postpone a decision on the subdivision and asked for the developer's agent and the Floodplain Administrator to do a site visit and return with a compromise recommendation everyone can support. He noted that he wanted to look at site himself.

Lee seconded the motion.

The Board pondered when the deadline was for making a Planning Board recommendation on this subdivision.

Karen noted that the Planning Board has until April 4, 2007, to make a determination and it would be best to continue the hearing to a certain date, perhaps March 21, 2007.

George stated that would work for him.

Chip added to Ben's motion that the public hearing would extend to the March 21, 2007, Planning Board meeting at 3 p.m.

(b) Board action

(1) Board Decision

The vote was called; the members voted (8-0) to postpone a decision on this subdivision until the March 21, 2007 Planning Board meeting. (See Attachment G, Fin and Feather Lot 5, AP (Crane) Subdivision Vote Sheet)

8. Close Public Hearing

9. Communications from Staff

(A) Discussion on Streamside Setback Committee

(i) Staff Report

Shaun noted streamside setbacks have been discussed recently in both local proposals and in the State Legislature. He gave a brief overview of the reason for this discussion, including a prior meeting with the BCC in January to discuss this issue. After that meeting, the BCC directed Planning Staff to create a collaborative effort to establish streamside setbacks. He listed three goals that the Planning Department created to guide the actions of the Streamside Setback Committee. (See Attachment H, Proposal for the Establishment of a Streamside Setback Committee) He noted that he only created an outline of the process for how to accomplish those goals and thought that the Committee would flesh out the details. He commented that Staff had received much feedback on this proposal. (See Attachment I, Public Comments Received Regarding the Streamside Setback Committee Proposal) Most were supportive, but several people were concerned with the Committee's balance. He said that some people requested the addition of other organizations and some were concerned about the size of the Committee. A written comment from Michael Howell recommended having five to seven citizens-at-large on the Committee and allowing any organization to sit in as an ex-officio member. A memo received from George Corn recommended that the BCC or Planning Board facilitate the process directly, rather than creating another committee. He noted that the memo is not legal advice, but policy advice. He summarized that the purpose of this discussion is for the Board to consider Staff's proposal and public comments and forward a recommendation to the BCC. He noted that options include: recommending adoption of a resolution, recommending changes to the composition of a committee and overall process with a timeframe to address comments received, or recommending an alternative process.

Ben said that he talked with quite a few people about this issue and was disappointed with George Corn's recommendation on this Committee. He said that while the LUSC has been working very effectively on zoning, having the Planning Board take this on would be very time-consuming. He said that having a Committee, as the Planning Department recommended, is a very workable solution. He liked the idea of having a member of the Planning Board on the Committee and adding ex-officio members, as Shaun noted from the written comments. He offered support for Staff's proposal.

Bob asked how long the process would take.

Shaun answered that Staff intentionally did not address a length of time and suggested that the Streamside Setback Committee would determine its own workplan. He said that the group could select a proposal submitted to them or decide to start over from scratch, leading to different timeframes.

Chip noted that when the Board and Staff created the workplan in January, Phase 2 dealt with more detailed zoning regulations, including watercourse setbacks. He summarized that streamside setbacks were identified as a Phase 2 priority item.

Dan thought the Planning Department's recommendation was good and workable. He thought that the process could work in tandem with the zoning process.

Chip commented that the Planning Department is spread pretty thin and he wanted to hear from Karen as to resource availability.

Karen said she had allocated about 1.5 FTE for streamside setbacks for a few months because at the time, they anticipated a push on doing something in this area. She noted that now, timelines are less of an issue. She noted that it is hard to say what the Department will need in terms of resources because it depends on what the group decides to do. If they want to do minor modifications on a submitted draft and go through a public process, that is one thing. If Staff has to draft something new and do research, that is a different situation. She noted that although resources needed will depend on the workplan, the Board could note to the BCC that the Committee needs adequate staffing.

Bob said that he attended the Bitterroot Water Forum meeting the other night where MFWP presented their work. He decided that was a good start and asked the Board not to recreate the wheel and stall.

Dan thought that the Streamside Setback Committee might pick up the work already started and go forward with that as a basis.

Karen said that it would also be helpful if the Planning Board identified to the BCC where this item should fall in the priority list.

(ii) Open Public Comment

Ira Holt noted that he submitted comments in writing regarding this topic and included a History of Stream Setback Process in Ravalli County. (See Attachment I, Public Comments Received Regarding the Streamside Setback Committee Proposal) He strongly supported the Planning Department recommendation for a Streamside Setback Committee. He noted his membership in Ravalli County Fish and Wildlife and the Montana Wildlife Federation for about 20 years. He stated that he has been a representative to the Smart Growth Coalition for three months and this same coalition wrote the streamside setback bill considered at the last and this current legislature.

Jim Rokosch stated his support for creation of a Committee to work on Streamside Setback Zoning regulations as part of the countywide zoning effort. He said that it makes sense that the community should explore unique aspects of riparian setbacks and the Committee is the most efficient way to go about it and receive a quality product and public participation. He thought that the Board should focus on technical expertise and include this as countywide zoning. He recommended considering Michael Howell's suggestion and noted that there might be some omissions on the Committee's makeup. He said that a voting group of 15 to 20 people is cumbersome. He noted it might be more appropriate to have Trout Unlimited and other groups on the Committee.

Doug Soehren commended the Planning Department for work in starting the process. He said Staff is writing meaningful zoning regulations. He seconded Jim Rokosch's comments. He said Staff proposed a good process and thinks they can

proceed effectively. He recommended that the Committee represent the entire population of the county and be broad-based. He said there are other groups that need to be on the Committee as well, including Friends of the Bitterroot for its history of looking after environmental, conservation, and wildlife issues, and for the expertise it would bring to the table. If the Committee will be a voting body, he said he would want this group to have a vote. He noted that Michael Howell pointed out other groups should be considered for the Committee, including his group.

Lisa Pyron said she was in favor of forming a Committee, but agreed with Doug that all of the valley should be represented. She recommended enlarging or changing the membership of the Committee to include two professional engineers or land surveyors. She recommended using as much objective scientific data as possible, instead of making decisions based on emotional responses.

Fred Weisbecker said he is the President of the local chapter of the Audubon Society, which met Monday night and voted to support this streamside setback proposal. He noted that having streamside setbacks in place would reduce discussions over subdivisions, such as the one earlier in this meeting, from a half-hour to a few minutes. He encouraged the county to have a wide variety of experts, special-interest groups, and stakeholders on the Committee.

Michael Howell stated his comments were on behalf of the Bitterroot River Protection Association, which had board members go to the state legislature over this issue and attend local meetings regarding setback issues. He stated that his group has deep concerns about what is going on; the Bitterroot River Protection Association specifically states that their aim is to protect and enhance fisheries and aquatic values associated with river and streams and therefore, a setback proposal of some sort is appropriate. He was in support of the recommended Committee, but voiced concerns about the makeup of it, suggesting it was a bit unbalanced. He stated that his group would like to be part of the Committee.

Teri Polumsky noted she is associated with the Bitterroot Valley Board of Realtors and, through this process, they have been accused of being a special-interest group. She noted that the Board of Realtors represents about 2,000 stakeholders in the area. She said that although the Planning Board just spent 45 minutes discussing a setback for a subdivision, she has a plan that will make setbacks easy. She summarized her groups' involvement with a previous streamside setback group, starting with a forum in 2005. The Board of Realtors received grant funding for a map that would show every stream in the valley. The group then hired a hydrologist, who has completed 40% of the map. She stated the mapping project is to provide landowners and the county with a predictable and defensible system.

She noted that in early fall of 2006, the Planning Board recommended this mapping project to the BCC; the Board of Realtors requested this so they could apply for a grant of \$50,000. She noted that the Planning Department is having a hard time finding funding and that this Streamside Setback Committee will be funded at the taxpayers' expense. She said that there had been a work-group meeting on February 5. She said that the hydrologist the Realtors hired has stated that to protect the stream, but not all social issues, they need to start somewhere. She said that she provided Staff with a copy of the regulations and then this Streamside Setback Committee was proposed. She said that the Board of Realtors cannot do the work and have the county turn it down.

Kathleen Driscoll stated she is a real estate agent and appreciates all the previous work completed on this project. She said that she attended Land Use Subcommittee Meetings and the original streamside setback committee meetings. She appreciated the fact that the Realtors spent money, but the Board needed to go with what Bob said. There has been lots of work already done. She suggested that the Board take what it has and spread out the responsibility.

Dave Schultz recommended formation of the Committee, noting it will be more broad-based than previous groups.

Eddie Olwell said he is with Trout Unlimited and a fishing outfitter. He voiced support for the Streamside Setback Committee proposal. He noted that hunting and fishing is a large part of this area and wanted to see one organization that represents fish and game on the Committee. He said that he was involved with the original streamside setback group and noted that the draft regulations created by the Realtors are quite similar to regulations used for Lenexa, Kansas. (See Attachment J, Streamside Setback Ordinance from Lenexa, KS and the Board of Realtors) He said that the Board of Realtors claimed that the document was written by a land use committee that shares information. He corresponded with Lenexa, Kansas, who said that the plan was written by a local landscaping firm and a law firm. He pointed out that there are no mountains, elk or deer hunting, or fishing in Kansas.

Bob Pauley said that the work has been done and a free gift is being offered. He asked if the County has money for this project and noted that it could learn from others. He asked the Board to embrace the work already completed and noted that delays could allow the state legislature to impose 300-foot setbacks. He noted that the Realtors will not make money on this and asked the Board not to duplicate time already spent trying to recreate the wheel.

Robin Ross-Duggan from Hamilton said this issue appears to relate to trust. She noted that some people feel they will not be represented or someone else might have too much representation. She noted that the County only has one chance to do this task and it needs to involve everyone that is concerned and allow everyone to be heard. She concluded that this is a sacred trust and water is an incredible asset.

Ray Tipton said he is a builder and concerned citizen who has lived here since 1992. He asked who sets the ultimate goals for the Committee. He said that he has been on committees where they decided their own outcome and what would be involved in making decisions; it created a mish-mash of opinions and emotional responses. He said that the Committee could work toward resolving established questions rather than coming up with their own problems and deciding on those.

John Ormiston said he is a retired wildlife biologist who participated with the original streamside setback group. He said it was initially collaborative, but the group was taken over by the Realtors. His request was for a public committee to work on streamside setbacks that could come up with much better regulations in a public arena. He said that although Teri said the map is 40% complete, no member of the original group has seen the map and he does not know how much of it is completed, or if it even exists.

Rob Johnson said he is on the Bitterroot Water Forum Board and recommended that the Planning Board support the creation of a Streamside Setback Committee. He said that the Committee would be a public process that would educate the public. He announced an upcoming meeting hosted by the Bitterroot Water Forum on this issue.

Jack Mauer said he helped work on the setback issue and is in favor of a Streamside Setback Committee. He noted that Ravalli County has great stream variety. He hoped that the Committee would allow collaboration and compromise, but would not compromise natural resources that are at stake.

Alexandra Morton said she lives in Victor and that property owners are lacking representation. She thanked the Realtors for doing something and noted that the issue is extremely important because it deals with private property rights. She read a few excerpts about private property rights. She noted that some people may have purchased land recently in good faith of building dream their home. She said that this Board is considering a form of legal taking with some people unaware this is happening, including some people who live out-of-state. She noted that although the 1980s were a time of suffering because of a lack of economic prosperity, real estate has driven up economic prosperity. She cautioned the Board to provide respect and restraint when dealing with private property. She said that natural resources need to be protected, but the County needs to look at its options before dictating. She asked the audience to contact elected representatives to help defeat Senate Bill 345.

Richard Marcus from Stevensville said that the County has two opportunities. He noted that the Board of Realtors could do research and nothing excludes the Streamside Setback Committee from considering their proposal. He noted that the Streamside Setback Committee would allow for broader public input, science, and comparison.

Suzanna Pyron from Florence said she lives on a stream and it is beautiful. She noted that when most people purchase property, they will do everything they can to preserve its integrity and safety. She noted that most people make plans to keep water from washing a house away. She said that except for the Bitterroot River, the County does not need a floodplain for smaller, annual streams that would require expensive research. She noted that the logging industry and forest stewardship workshops have already provided best practices for addressing streams. She recommended looking at research already done, noting that those programs only suggest steps and do not force people to comply.

- (iii) Close Public Comment
- (iv) Board Deliberation on the Work Plan
 - (a) Board Discussion and Questions

Lee said that the core of zoning is an aim to preserve and enhance values for public health and safety. He said that the Board does not want to start from scratch, but wants to create a forum that would have work coming from the people and allowing more public involvement. He noted that work done by the Realtors and the proposal for the Streamside Setback Committee is all good and

that it should be brought and presented to the Committee so that there is an opportunity to synthesize it and have the public come together.

Phil said he agrees with Lee and Richard Marcus that the Committee is not exclusive and said he is in favor of proceeding with Staff's recommendation.

Ben said that creation of a Streamside Setback Committee would not mean they are throwing away what the Realtors have done. He said he counted 19 people that spoke; most people were for it, but two people were against it and he did not know if three people were for or against it.

Dale said that the Planning Department's proposal covers a broad spectrum of people.

Les recommended support of the Planning Department's recommendation.

Dan said that the Board needs to be formed and it would be foolish not to start with work that has already been completed. He recommended modifying the Committee to include 17 members instead of 13. He recommended having two Professional Engineers or Land Surveyors on the Committee and five members of the public-at-large, retaining the three hydrology, ecology, etc., experts and the Board members. He said that anyone else not represented could apply for the five general public positions.

Bob said that there has been good biological work done and he tried to look at hydrological work done. He thought that the Board of Realtors got bogged down in the complex classification of streams. He recommended determining setbacks applied to streams based primarily on biological concerns. He liked the idea of a Streamside Setback Committee and recommended adding a water/fishing/recreation representative to this Committee.

Mary Lee supported the recommendations and noted that she liked Dan's idea of 17 members. She expressed concerns with the Planning Department's staffing abilities. She noted that this Committee was not included when the Board created their original priority plan, so they need Staff and funding to support this if it is to go forward.

Chip said he supports the process. After being on the Land Use Subcommittee, he is more supportive of a 17-member committee, but thinks having a smaller, technical voting body is good. He said the larger the group, the harder it is to get things accomplished. He said that this Committee is a great opportunity to get something done. He said he wants a large group working on it, but wants the BCC to appoint ex-officio members and voting members to make sure the process moves along. He said it is unfair to want everything now and give up nothing. He noted that the Board has to be realistic and the most important job at hand is countywide zoning. He said that Jim's concerns are great and there are lots of issues to look at, but the County does not have the Staff to get it all done in a timely matter.

Ben said he agrees with Chip. He noted that having only five voting members of the Land Use Subcommittee worked well and they did not have to use voting often. He agreed that the County has a staffing problem and recommended

creating this Committee, but placing this priority behind zoning so it does not delay or impact other zoning efforts. He noted that the Board discussed starting Phase II of the zoning project when Phase I goes into the public review process, which is scheduled for late fall or winter. He hoped that the Committee could work independently. He said that the Committee could have 17 or 19 people, but he would only pick the top six listed on the sheet and members from the Planning Board, Board of Health, and Bitterroot Conservation District as voting members and leave the rest as ex-officio members.

Les agreed with Ben. He noted that at some point, the number of members becomes unwieldy. He recommended seven or nine voting members, preferably a maximum of nine voting members. He said that the other representatives could be ex-officio members, as they are on the Land Use Subcommittee.

Chip said that the advantage of identifying them is that they get on a distribution list.

Mary Lee agreed.

Dan lobbied for 17 members. He said that this group will be relatively scientifically-based and decisions should be clear. He thought that allowing five members of the public-at-large allows for more public participation.

Les said he heard from most public speakers that they supported Staff's recommendation. He said that the Board should recommend Staff's proposal and have a maximum of 13 voting members.

Bob said that the Board should stick with their priorities and reaffirm them to the BCC. He also supported having 17 members, noting that it is not really a voting situation, but should be science-related. He noted that when listening to Chris Clancy the other night, he would imagine 90% of the people in the audience agreed that he laid out something they could buy into.

Chip said that he knows that even scientific experts can disagree and issues will not be as black-and-white as we hope. He noted that the subdivision conversation today was emotional as the setback issue was discussed.

Dan said that at the next subdivision meeting with firm data, it should not be hard to make a decision.

Phil said he likes the idea of ex-officio members, but noted if the members will attend and participate anyway, it should not hurt anything if they vote at the end.

Karen reminded the Board that Staff did propose one ex-officio member: the Ravalli County Floodplain Administrator. She noted that Staff put out the proposal, but wanted to have the public weigh in and have the Board hear the public. She noted this is a work-in-progress and expected suggestions and change through the public process.

Ben motioned to adopt the proposal and present the BCC with alternatives of a 17-member voting board, either having some of those people as ex-officio

members, or having all representatives be voting members, or having the Committee decide how they are going to vote.

Les seconded the motion.

Mary Lee asked Ben to include something in the motion that states that countywide zoning is still the first priority and the Board must find resources to push this further.

Ben amended his motion to include Mary Lee's suggestion.

(b) Board Action

The Board voted (8-0) to approve the motion to forward a recommendation to the Commissioners to create a Streamside Setback Committee.

(B) **Update on Countywide Zoning**

The Board took a five-minute break.

Karen gave a progress report on the Countywide Zoning Project. (See Attachment K, Countywide Zoning Project – Progress Report to Planning Board) She noted some possible discussion topics were embedded in the update. She stated that John is ready to do the first round of meetings that the Public Involvement Group has been working on with Staff. She noted that there are Planning Board members involved in subgroups, but suggested that a couple Planning Board and Planning Department members and one BCC member should form a steering committee to oversee the zoning project as a whole. She noted that the Planning Board should be moving away from subdivision review and be in a lead role in zoning. She asked what types of handouts should be given out at the meetings and how the Board should be involved in the Public Involvement Plan.

Phil asked what types of work materials the Planning Department would provide.

Karen said that localized groups creating zoning would have guidance, expectations, etc., so the County will end up with consistent information and that the groups follow timelines. She noted that the Planning Department was setting up packets of information they could use.

The Board discussed how the zoning districts will be created and what information will be given out to the public. One option included having the public place boundaries where they think they are appropriate and another option was to create an initial set to which people could react. **Karen** noted that the process still has to be worked out.

Lee asked if the Planning Department is working to identify land use suitabilities.

Karen stated that needs to be worked out as well before deciding the parameters that will be given to people. She said that the County could give a menu of options and a list of where there are existing items and limitations. She said that they will need to work through the best process to get a result in a reasonable timeline, but with as much public process as necessary.

Mary Lee stated that Staff and the Boards will have to help the public along and noted there was discussion about using a facilitator to pull in the public and direct them.

Karen noted she is open to gathering ideas, but does not know how the process will work until the framework is done and the land capability and suitability analysis is started. She noted that the Boards and Staff could create a draft map, but people did not want a top-down process. She suggested having a few sets of meetings to see what people say before anyone decides on an approach to create zoning maps.

Lee asked Karen's opinion on that approach.

Karen noted that while the most streamlined staffing approach is to crank out a draft map, the amount of staff time needed to deal with work afterwards would be substantial. She asked for more input from people who have more expertise in the public process, noting that the Public Policy Research Institute is doing interviews with different stakeholders in the county.

Bob had more faith in the public. He noted that the public will need guidance, but he heard a strong message that they wanted to participate in zoning at a citizen level. He stated reluctance to take an almost-finished product to the public.

Ben stated that Staff and/or the Boards could create boundaries and then go to stakeholders and let them hash it out. He reasoned that they would want what they already have.

Karen said that everyone on Staff and most of the Board members want some sort of process that is not wholly nebulous, but something with sideboards. She noted that it is too early to say how the process is going to work. She noted that the public responds best by having time to absorb information and give comments that might help drive the process. She recommended letting that be for the moment and working through the initial sets of maps with the Planning Board, Staff, and people in communities that want to be involved.

Lee recommended giving the groups Growth Policy elements as constraints.

Ben agreed with Karen that intelligent, interested public should be tapped. He remarked that 90 to 95% of them would agree with any zones they created on a draft, but the problem is dealing with the 5% that is different. He noted that the public wants to have a say in this process.

Bob recommended going to the public with a map that shows existing conditions and is fitted to the density zones and uses. He said we should ask what zones they want to keep and eliminate discussion about those, then talk about the changes they want.

Karen observed that is one of many good ideas that should be discussed in the Public Involvement Plan Group or by the Planning Board.

Ben gave an update on work by the Land Use Subcommittee and creation of the zoning resolution/regulations. He said that the group would like to have a list of Frequently Asked Questions and answers to those. At this point, the group also wants to have sets of material in the back that people can read. He recommended that people interested in

the school district committees should take a copy of the draft regulations and be up-to-date when the school district committee meetings start.

Renee went over progress on the land capability and suitability analysis. She said that she wants to create a working group of engineers and local folks to help figure out how to fill a data gap for water and sewer information. She said that she is going to start working on base maps for the first meetings.

John gave the PowerPoint presentation he was planning to use at the first zoning informational meetings. (See Attachment L, Countywide Zoning in Ravalli County PowerPoint Presentation Slides)

The Planning Board gave some excellent suggestions for improving the presentation, but commended John for a great start. They then discussed which documents should be handed out at the meetings. The Board decided that while people might want to see the zoning regulations or matrix drafts, it would be best to direct citizens to the website rather than have those documents distract the public at informational meetings.

The Board recommended a facilitator to keep the meetings on track. The Board then decided what would be appropriate to hand out at the informational meetings. The majority of the Board agreed to hand out the following items:

A workplan and timeline for the zoning project

A copy of the slideshow presentation

A list of how to retrieve information and what documents are available online or at the Planning Department

Assumptions/intentions as FAQs

The Board agreed to put the following information on the Planning Department Website:

The Public Involvement Plan

The draft matrix

Draft zoning regulations

The Board discussed which different signup options they would be available at the informational meetings, including the following questions:

How would I prefer to get information?

How I might like to be involved?

The Board discussed and decided to put together a questionnaire with these questions that people could leave at the meeting:

What interests me about this process?

What am I concerned about?

10. **Communications from Public**

There were none.

11. **Communications from Board**

There were none.

12. **New Business**

(A) Discussion on Bitterroot Rail Forum

The Board agreed to move this item to the Planning Board meeting on March 21, 2007.

13. **Old Business**

(A) Discussion and recommendation on the Planning Board By-Laws

The Board agreed to move this item to the Planning Board meeting on March 21, 2007.

14. **Next Regularly Scheduled Meeting**

Karen noted that the next Planning Board meeting would be on March 7, 2007, as one of the first zoning informational meetings. The next regular Planning Board meeting would be March 21, 2007 at 3:00 p.m.

15. **Adjournment**

Chip adjourned the meeting at 7:00 p.m.